

**EASTERN DISTRICT OF TEXAS**



The court has conducted a *de novo* review of the objections asserted by petitioner. After careful consideration, the court is of the opinion that the objections are without merit. Citing *Braddy v. Fox*, 476 F. App'x 51 (5<sup>th</sup> Cir. 2012), petitioner argues that he is allowed to challenge the conditions of his confinement in a habeas petition. In *Braddy*, the petitioner claimed that the government breached a term in a written plea agreement by housing him in close proximity to his co-defendants. The United States Court of Appeals for the Fifth Circuit remanded the case to the district court to determine whether the plea agreement was breached. In this case, unlike *Braddy*, petitioner does not assert that a provision in his plea agreement requires the Bureau of Prisons to

provide specific conditions of confinement. Rather, petitioner argues that his plea agreement implicitly guarantees him conditions of confinement required by contracts, statutes, regulations, ordinances, and rules governing the Bureau of Prisons. This argument lacks merit.

Whether the Bureau of Prisons is providing petitioner with the conditions of confinement to which he is entitled is not a matter for habeas review.

### **ORDER**

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing the petition.

SIGNED at Beaumont, Texas, this 23rd day of October, 2013.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE